

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

DANIELLE M. LEONE AND JACOB	:
M. LEONE, individually and as	:
Plenary co-guardians of the Estate and	:
Person of CALEB LEONE and	:
CALEB LEONE, Individually,	:
	:
Plaintiffs,	:
	:
	: No. 4:21-cv-00800-MWB
v.	:
	: (Honorable Matthew W. Brann)
	:
RIDDELL, INC., et. al.,	:
	:
	:
Defendants.	:

**AMENDED CASE MANAGEMENT ORDER**

The Court, having considered the parties Joint Motion to Enlarge Case Management Deadlines and Trial (the “Motion”) and finding that good cause exists for the relief requested, hereby ORDERS that the Motion is GRANTED. Accordingly, the deadlines and trial setting set forth in the Case Management Order dated June 15, 2021, ECF No. 16, are vacated.

Henceforth, and pursuant to the authority granted to this Court under Federal Rule of Civil Procedure 83(b), this Amended Case Management Order shall govern all proceedings in the above-captioned case. No deadlines set by this Order, the Local Rules,<sup>1</sup> or the Federal Rules of Civil Procedure may be altered without this Court’s approval, and this Court may modify any deadline *sua sponte*.

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<sup>1</sup> The Local Rules are online at <http://www.pamd.uscourts.gov/sites/pamd/files/LR120114.pdf>, and may also be obtained by writing the Clerk of the Court, United States District Courthouse and Federal Building, Suite 218, 240 West Third Street, Williamsport, Pennsylvania, 17701-6460.

### **Joinder of Additional Parties and Amended Pleadings**

1. All additional parties shall be joined by March 1, 2023.<sup>2</sup>
2. Amended pleadings are due April 3, 2023.

### **Discovery**

3. Fact discovery shall be conducted expeditiously and diligently, and shall be completed by March 15, 2023. All requests for extensions of this deadline shall be made at least fourteen days before the expiration of this discovery period.
4. Plaintiff's expert reports are due March 15, 2023.
5. Defendant's expert reports are due April 17, 2023.
6. Supplemental and rebuttal expert reports are due May 2, 2023.
7. Expert discovery shall be completed by June 2, 2023.
8. If a discovery dispute arises, counsel shall electronically docket a letter apprising the Court of the dispute's general contours. Upon receipt of that letter, the Court may schedule a conference if necessary. No discovery motions may be filed without express permission of the Court.<sup>3</sup>
9. Counsel shall confer within four weeks after the completion of discovery to discuss settlement, and shall notify the Court if they would like the assistance of a United States Magistrate Judge in conducting a formal settlement conference.

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<sup>2</sup> This Order is effective immediately as to all parties who have already appeared. If any parties have not yet been served with the summons and complaint, a copy of this Order shall be served on those parties simultaneously with the summons and complaint, in any manner authorized by Federal Rule of Civil Procedure 4(c). If any parties have been served with the summons and complaint but have not yet appeared, a copy of this Order shall, within three days of the date of this Order, be served on those parties in any manner authorized by Federal Rule of Civil Procedure 5(b) that is calculated to provide prompt, actual notice of this Order's contents. For parties who have not yet been served with the summons and complaint, or have not appeared, this Order is effective immediately upon receipt. No party, however, will be penalized for violating the terms of this Order if they have not received actual notice of this Order's contents.

<sup>3</sup> See Federal Rule of Civil Procedure 16(b)(3)(B)(v).

### **Dispositive Motions**

10. Dispositive motions shall be filed by \_\_\_\_\_.
11. Briefing on dispositive motions shall comply with Local Rules 7.4, 7.5, 7.6, 7.7, 7.8 and 56.1.
12. Any defendant contemplating a dispositive motion shall confer with other defendants and shall file joint motions and briefs whenever possible.

### **Pretrial Matters**

13. Motions to exclude expert testimony shall be filed no later than thirty days from receipt of the expert's report.
14. Motions in limine and supporting briefs shall be filed by \_\_\_\_\_.
15. Pretrial memoranda shall be filed by \_\_\_\_\_. No later than fourteen (14) days before this date, counsel shall hold a conference as indicated in Local Rule 16.3.
16. Proposed voir dire questions shall be filed by \_\_\_\_\_.
17. Proposed jury instructions shall be filed by \_\_\_\_\_.
18. A final pretrial conference will be held on \_\_\_\_\_ (time to be determined).<sup>4</sup>  
Counsel who will try the case shall attend this conference (unless the Court approves the substitution of another attorney who is fully familiar with the case), and all individuals with settlement authority shall be present or available by telephone. At the conference, counsel shall set for the elements of all claims and defenses expected to be made at trial.

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<sup>4</sup> The pretrial conference will take place in Judge Brann's chambers at the United States Courthouse and Federal Building in Williamsport.

**Trial**

19. The above-captioned case is currently placed on the \_\_\_\_\_ trial list. Counsel should note, however, that criminal matters take priority and may delay the beginning of the civil trial list.
20. Jury selection will begin at 9:30 am on the first day scheduled for trial, and trial will commence immediately following the jury's empanelment.<sup>5</sup>

**Miscellaneous Matters**

21. Motions to seal documents (and the document(s) sought to be sealed) must be mailed to, or filed with, the Clerk's Office in Williamsport. The Court will not accept sealed documents filed in Scranton or Harrisburg.
22. At any time, if the parties wish to use the Court-Annexed Mediation Program<sup>6</sup> or any other form of alternative dispute resolution, counsel should electronically docket a letter expressing this interest and request a telephone conference call with the Court.
23. Counsel are advised that they may consent to the disposition of this case by a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
24. Inquiries about this case may be directed to Janel R. Rhinehart, my Courtroom Deputy, at 570-323-9772.

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<sup>5</sup> Trial will take place in Courtroom No. 1, located on the fourth floor of the United States Courthouse and Federal Building in Williamsport.

<sup>6</sup> See Local Rule 16.8.1-.7.

**Summary of Dates and Deadlines**

Joinder of additional parties:	March 1, 2023
Amended pleadings:	April 3, 2023
Discovery:	March 15, 2023
Dispositive Motions:	
Plaintiff's expert reports:	March 15, 2023
Defendant's expert reports:	April 17, 2023
Supplemental and rebuttal expert reports:	May 2, 2023
Expert Discovery:	June 2, 2023
Motions in limine and supporting briefs:	
Pretrial memoranda:	
Final pretrial conference:	
Trial:	

BY THE COURT:

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Mathew W. Brann  
United States District Judge